

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) Case No. 20-00214-CR-W-HFS
)
BRIAN E. JONES,)
)
Defendant.)

ORDER

On August 27, 2020, defendant was indicted for being a felon in possession of a firearm in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(8). (Doc. 1).

After receipt of a confusing letter from defendant, counsel moved for an order of competency, pursuant to 18 U.S.C. § 4241 (Doc. 27); the motion was granted, and defendant was directed to undergo a competency evaluation. (Doc. 29, Order dated Feb. 25, 2022). Defendant was designated to the Federal Detention Center in Englewood, Colorado. A forensic evaluation was conducted by Jeremiah Dwyer, Ph.D., and in a report dated June 20, 2022, Dr. Dwyer recommended that defendant be deemed incompetent to proceed so that a more comprehensive assessment could be conducted at a federal medical center, and he was cautiously optimistic about the prognosis for restoration. (Doc. 33, p. 14).

Following a competency hearing, Judge Counts found that defendant was incompetent based on a mental disease or defect rendering him unable to understand

the nature and consequences of the proceedings against him or to assist properly in his defense. (Doc. 36, Report and Recommendation). By Order dated Aug. 3, 2022, the R&R was adopted, and defendant was committed to the custody of the Attorney General for hospitalization and treatment in a suitable facility pursuant to 18 U.S.C. § 4241(d). (Doc. 38).

By letter dated Mar. 14, 2024, the Warden of the BOP noted that defendant arrived at the U.S. Medical Center for Federal Prisoners located in Springfield, Mo., on Oct. 19, 2023, and an additional 120 days was requested to treat defendant based on the opinion of Forensic Psychologist Sarah L. Burton, Ph.D., that defendant met the criteria for diagnosis of a psychotic disorder and with continued administration of antipsychotic medication and abstinence from illicit substances, there was a substantial likelihood he may be restored to competency. (Doc. 59). On Apr. 25, 2024, the request was granted. (Doc. 62).

By letter dated Sept. 19, 2024, the Warden at USMCF in Springfield, Mo. advised the court that defendant completed the period of commitment, and a mental health evaluation performed by Dr. Burton revealed that defendant is mentally competent to proceed at this time. (Doc. 65, p. 1). Dr. Burton opined that defendant's symptoms of mental illness are adequately controlled and did not significantly impair his competency-related abilities. (Id, p. 27). Further, defendant displayed an adequate factual and rational understanding of the charges and proceedings against him and an adequate ability to assist properly in his defense. (Id). Dr. Burton concluded that defendant is presently stable and competent to proceed in this matter; and recommended that court

proceedings be scheduled expeditiously if possible once defendant returns to the Western District of Missouri to minimize the likelihood he becomes noncompliant with treatment and decompensate, experience a relapse by resuming substance use, or experience an exacerbation of symptoms due to stress. (Id, pp. 27-28).

Judge Counts held a competency hearing, and after making an independent review of the record, and the applicable law, determined that defendant was not currently suffering from a mental disease or defect preventing him from understanding the nature and consequences of the proceedings against him or assisting in his defense. Judge Counts recommended an order finding defendant competent to proceed. (Doc. 67, Report and Recommendation).

To-date, no objections to the Report and Recommendation have been filed, and the time in which to do so has expired. Thus, the findings and conclusions in the Report and Recommendation finding that defendant has recovered to such an extent that he is able to understand the nature and consequences of the proceedings against him and to assist properly in his defense (Doc. 67) are ADOPTED by the undersigned.

/s/ Howard F. Sachs
HOWARD F. SACHS
UNITED STATES DISTRICT JUDGE

Dated: November 8, 2024
Kansas City, Missouri